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Before the **DOCKET FILE COPY ORIGINAL**
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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MAR 21 2005
Federal Communication Commission
Bureau / Office

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-16
Table of Allotments,) RM-11143
FM Broadcasting Stations,)
(Richlands, Shallotte, Topsail Beach, and)
Wrightsville Beach, North Carolina))
)

RECEIVED

MAR 29 2005

To: Assistant Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of the Secretary

**COMMENTS AND COUNTERPROPOSAL OF
CONNER MEDIA CORPORATION**

Conner Media Corporation ("Conner"), by its attorney, pursuant to Sections 1.415, 1.419 and 1.420 of the Commission's rules, hereby submits its comments and a counterproposal in the captioned matter.

INTRODUCTION

The Commission's *Notice of Proposed Rulemaking* herein, DA 05-76, released January 28, 2005 ("*NPRM*") was initiated by a Petition for Rulemaking ("Petition") filed by Sea-Comm, Inc. ("Sea-Comm") and proposed the following changes in three of Sea-Comm's stations: (a) WBNU would move from Channel 279C3 at Shallotte, North Carolina to Channel 279C2 at Wrightsville Beach, North Carolina; (b) WBNE would move from Channel 229A at Wrightsville Beach, North Carolina to Channel 229C3 at Topsail Beach, North Carolina; and (c) WWTB would move from Channel 280C3 at Topsail Beach, North Carolina to Channel 281A at Richlands, North Carolina. The net result would be a substitution of Class C3 stations at Topsail Beach; an upgrade from Class A to Class C2 at Wrightsville Beach; the loss of a Class C3 station

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at Shallotte; and a new Class A station at Richlands. Consequently, an assessment of whether these realignments will serve the public interest must necessarily focus upon the last three proposed changes. Since the upgrade at Wrightsville Beach is presumptively beneficial and the loss of the station at Shallotte presumptively detrimental, analysis must scrutinize the need of Richlands for a new station. As demonstrated herein, the entitlement of that community to warrant a station of its own is at best dubious, but such concerns are obviated by Conner's counterproposal, which preserves and enhances the benefit of the other changes proposed by Sea-Comm, while substituting the more deserving community of Swansboro for the new Class A station and enabling Conner's WZUP(FM), La Grange, North Carolina to effect a significant upgrade in its facilities from Class C3 to Class C2.

The changes can be summarized as follows:

City	Present	Sea-Comm Proposal	Conner Counterproposal
Shallotte, NC	279C3, 292A	292A	292A
Topsail Beach, NC	280C3	229C3	229C3
Wrightsville Beach, NC	229A	279C2	279C2
Richlands, NC	-----	281A	-----
Swansboro, NC	-----	-----	281A
La Grange, NC	284C3	284C3	284C2

THE SEA-COMM PROPOSAL

A gain of a new service at Richlands would not serve to outweigh the loss of a local outlet at Shallotte, as Sea-Comm's Petition fails to establish that Richlands warrants a first local service. In the *NPRM*, Commission staff requested that Sea-Comm submit a showing that

Richlands is sufficiently independent of the Jacksonville, North Carolina Urbanized Area to warrant a first local service preference. Even so, in its Petition Sea-Comm already presented what purports to be its showing in that regard, to which the following comments are directed.¹

As noted in the *NPRM*, the grounds for assessing a claim of community independence from a nearby urbanized area have been established in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998) and numerous cases which have applied these criteria.

The first *Tuck* criterion is the extent of encompassment of the urbanized area by the proposed upgraded facility. As the Commission notes in its *NPRM*, the 70 dBu contour of Sea-Comm's proposed Channel 281A facility at Richlands would cover 85.5% of the Jacksonville, North Carolina Urbanized Area. Sea-Comm concedes that the predicted 60 dBu contour of its proposed Richlands facility would encompass the entire Jacksonville urbanized area. Petition at 11. While Sea-Comm claims that coverage of the entirety of a nearby urbanized area "has not been fatal," *Id.* at 11, the only case it cites is readily distinguishable. Thus, in *Park City, Montana*, 19 FCC Rcd 2092 (2004), the Commission specifically noted that the community and Urbanized Area were 21 miles distant and in different counties; in contrast, the distance here is a mere 13 miles and Richlands and Jacksonville are contiguous and in the same (Onslow) County.²

The second *Tuck* factor is relative population. Richlands' population is 928, a mere 1.4% of Jacksonville's 66,715. While it is true that the Commission has found independence in cases such as *Park City, supra*, involving similar population disparities, it is equally true that relative size can be significant. Indeed, in *Wallace, Idaho and Lolo, Montana*, 14 FCC Rcd 21110

¹ In the event that Sea-Comm supplements its showing with additional information in its own forthcoming comments, then Conner will address the matter more fully in reply comments.

² Indeed, in *Park City, supra*, the Commission specifically noted that "the distance between the communities thus provides support for a finding that Park City is independent of Billings." *Id.* at ¶12. No such support is possible under the circumstances here. Moreover, it appears from highway maps that Richlands is the very first community beyond Jacksonville along US 258; in contrast, Conner's counterproposal for Swansboro, *infra*, presents a community substantially more distant from Jacksonville and separated from it by the community of Midway Park.

(1999), a disparity of more than 7% was problematic and contributed to a denial of a proposed reallotment.

Under the final *Tuck* factor, the Commission assesses the relationship between the specified community and the central city. To the extent that Sea-Comm has addressed the eight *Tuck* characteristics deemed relevant to this consideration in its Petition, they only barely support its proposal. Specifically, the following factors do not provide decisional support³:

Local Newspaper – Sea-Comm claims: “Richlands has its own weekly community newspaper, the “*Richlands-Beulaville Advertiser Times*,” and cites as authority the publisher’s website, www.hloprint.com. Petition at 13-14. However, that website currently lists no such newspaper, rather, it refers to “*The Advertiser News*” which it describes as “a weekly community newspaper which serves primarily eastern Duplin County including the Beulaville and Chinquapin areas and western Onslow County including Richlands.”⁴ Therefore, Richlands clearly does not have “its *own* weekly community newspaper,” but rather shares an area-wide paper with numerous other communities, nor does the name of the Richlands community appear prominently (or at all) in the title.

Perception of Community Leaders – Sea-Comm provides a letter from Greg Whitehead, the town administrator of Richlands, who states: “Myself and other residents of Richlands, North Carolina consider our town to be separate from the city of Jacksonville, North Carolina.” Sea-Comm asserts: “He proceeds to provide his reasons for that statement.” Petition at 14. But he doesn’t at all. Rather, the remainder of Mr. Whitehead’s letter is utterly bereft of the claimed reasons. After briefly describing the government, two municipal services and the fact of incorporation, Mr. Whitehead merely states: “There are businesses owned and operated by local residents within our town.” Such a perfunctory and conclusory statement hardly serves to convincingly document a perception of community leaders as to whether Richlands indeed is perceived as an integral part of, or separate from, the larger metropolitan area.

Separate Telephone Book or Zip Code – The fact that Richlands may have its own zip code is hardly impressive; few areas of the country, independent or not, would fail this criterion nowadays (including the several blocks surrounding undersigned counsel’s offices). Far more telling is the fact that Richlands does not have its own telephone book provided by the local telephone company.

³ Please also refer to note 10, *infra*, with respect to Sea-Comm’s showing as to commuting patterns.

⁴ A printout of the current www.hloprint.com webpage is attached.

Part of the Same Advertising Market – Sea-Comm concedes that Richlands and Jacksonville are included in both the Arbitron and Nielson measures of local advertising markets and proffers no countervailing evidence to mitigate the import of this factor.

Reliance Upon Municipal Services – Although Richlands appears to have its own police and fire departments, its schools and libraries are provided by the county. Sea-Comm does not describe any other municipal services.⁵

In reviewing these matters, Richlands does not fare well under the various *Tuck* factors. The first two factors of proximity and relative size weigh against it. Among the eight interdependence characteristics, only the two not addressed above (local government and elected officials; and commercial establishments) – plus possibly commuting patterns – permit affirmative conclusions. When so few factors appear to suggest independence, a first local service cannot be credited. See, e.g., *Wallace, Idaho and Lolo, Montana, supra* at ¶7.

THE CONNER COUNTERPROPOSAL

As set forth in the attached Engineering Exhibit of Timothy L. Warner, Conner proposes to improve upon Sea-Comm's proposal by moving WWTB on Channel 281A to the larger unserved city of Swansboro rather than Richlands, and thus enabling WZUP, La Grange, to upgrade from Channel 284C3 to Channel 284C2, with a significant increase in area and population to be served thereby. All of the service improvements asserted by Sea-Comm for its moves of WBNU and WBNE will be retained; the additional improvement of WZUP will be permitted (resulting in added service to 139,685) (Engineering Exhibit at 5); 6,211 more people will receive service from WWTB at Swansboro than at Richlands (Engineering Exhibit at 8); and

⁵ The relevant *Tuck* factor is: "the extent to which the specified community relies on the larger metropolitan area for various municipal services *such as* police, fire protection, schools and libraries" (emphasis added). Thus, police and fire departments are not two of four but rather two of an open-ended number of municipal services that the Commission invites parties to address.

the community of Swansboro will obtain a much-needed first transmission outlet for local expression.⁶

Swansboro is an incorporated city with a 2000 Census population of 1,426. As such, it is presumed to have a need for a first local transmission service.⁷ However, as demonstrated in the Engineering Statement, the proposed Swansboro facility will place a 70 dBu contour over 66.0% of the Jacksonville Urbanized Area, which will be entirely encompassed by its 60 dBu contour. Consequently, a *Tuck* showing is appropriate to establish its independence from Jacksonville.⁸ The following is respectfully shown with respect to the eight characteristics weighed by the Commission in determining interdependence or independence of the two communities:⁹

Location of Residents' Jobs – This information seems currently unavailable. If possible, we will supplement our *Tuck* showing with appropriate data.¹⁰

Local Media – The *Tideland News* is a weekly newspaper published in Swansboro itself. Attached is a letter of J.S. Williams, editor of the *Tideland*

⁶ Although the differences seem largely inconsequential, it should be noted that Mr. Warner's calculations of the gain and loss areas for the common aspects of the Sea-Comm and Conner proposals vary somewhat from those set forth in the Petition. Even so, the relative value of these benefits and detriments remains unaffected. Since these same changes have already been proposed by Sea-Comm, the consent of Sea-Comm to the modification of its station authorizations as a result of Conner's counterproposal can be assumed.

⁷ See, *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) at 101 (the standard for a licensable community is met if the community is incorporated).

⁸ As noted in the Engineering Exhibit, WZUP presently covers more than 73.8% of the Goldsboro, NC Urbanized Area but the upgraded facility proposed herein will cover only 14.0%. Thus, no *Tuck* showing is required for the changes proposed herein for WZUP with respect to the Goldsboro Urbanized Area.

⁹ The other preliminary *Tuck* factor is relative population of the two communities. In that regard, it is noted that Swansboro's 2000 Census population of 1,426 is 2.14 % of Jacksonville's 66,715 – considerably more than Richlands'.

¹⁰ Neither FCC allocations staff nor Census Bureau staff appeared able to verify the information provided by Sea-Comm, nor could they indicate where comparable information could be obtained for Swansboro. In any event, Sea-Comm's claim that 37.3% of Richlands' residents work in their place of residence (Petition at 13) seems suspect. According to Census data, of 421 people 16 years and older in the Richlands labor force, 386 commute to work with a mean travel time of 23.1 minutes, only 6 worked at home, 16 walked and all but 3 of the rest drove. Thus, it seems highly unlikely that 37.3% work in Richlands (a community of only 1.2 square miles) itself. In any event, the comparable figures for Swansboro are: 739 in the labor force, 712 commute to work with a mean travel time of 26 minutes, 4 work at home, 22 walked, 6 took public transportation and all but 4 of the rest drove. Whatever the appropriate figure might be, it is likely that the two communities exhibit similar trends.

News, in which he notes that the paper has published for 26 years and that it is truly local, as it depends upon news and businesses in Swansboro for its success.

Perception of Community Leaders and Residents – Submitted herewith is a letter of Paul W. Edgerton, mayor of the town of Swansboro, in which he details recent growth of the town and its need for its own radio station. Mayor Edgerton notes that Swansboro is located on the extreme border of Onslow County and that it has a closer link to adjoining Carteret County than to other communities in Onslow County (in which Jacksonville is located and dominant). He notes that while Swansboro cooperates with Onslow County on larger issues (as does Jacksonville itself), he and the citizens of Swansboro consider themselves completely distinct from Jacksonville, upon which they do not depend for any municipal services, and to which there is no significant connection for advertising, business or news coverage.

Local Government and Elected Officials – As noted in Mayor Edgerton's letter, Swansboro is governed by its own mayor and a four-member board of commissioners. It also has its own town manager. There is an active Swansboro Rotary Club, a Swansboro convention center, a Masonic lodge and a VFW lodge. A town hall provides meeting facilities for the commissioners as well as offices for running the town. There is a separate historic district commission, whose board is appointed by the Swansboro board of commissioners. Swansboro levies its own property tax.

Telephone Book or Zip Code – Swansboro has its own zip code (28584) as well as its own post office. Although there is no independent separate telephone book for Swansboro, the Swansboro listing is in a discrete section of the Jacksonville telephone directory.

Commercial Establishments, Health Facilities and Transportation Systems – Among the members of the Swansboro Area Chamber of Commerce the following are located in Swansboro: a motel, an accountant, two advertising agencies, three antique dealers, two art galleries, two auto body shops, two new car dealers, a car wash, four banks, a beauty salon, two bed and breakfasts, a marina, two building supply stores, two camp grounds, a carpet store, a cemetery, nine churches, two child care centers, two clothing stores, three computer stores, two construction companies, a cosmetics sales company, two fishing charters, two florists, two furniture stores, a nursery and landscaping center, ten gift shops, a grocery, a hardware store, three insurance agencies, a jewelry store, a landscaping firm, two office supply companies, a private investigator, a realtor, ten restaurants, a sporting goods store, an electronics store, an RV sales lot, a security firm, a sign printer, a mini storage facility, a theater, a TV/VCR repair store, a wellness product store and a seller of window treatments.¹¹ Health clinics include Swansboro Family Medicine, the Swansboro Medical Center, the Swansboro

¹¹ This information is available on line through a drop-down menu of local businesses identified as "Swansboro Chamber Members" at www.tourswansboro.com.

Chiropractic Center, two dental practices, the Swansboro Drug Company and an optometric eye care center. Public transportation is provided by a taxi service licensed by the town of Swansboro. Truck rentals are also available.

Advertising Markets – Although Swansboro is included in the Greenville-New Bern-Jacksonville, North Carolina Arbitron market and the Greenville-New Bern-Washington Nielson market, Swansboro is substantially isolated from Jacksonville with respect to media and advertising. As noted by Mr. Williams, the Tideland News does not depend upon Jacksonville for its business success, but rather has promoted the Swansboro businesses first, and reflects a discrete marketplace that stands apart from the larger municipalities in the area. Mayor Edgerton agrees, noting that the tourist communities in Carteret County support business in Swansboro. Mayor Edgerton notes: “Very few of our businesses advertise in the Jacksonville radio, TV, or newspaper markets; and like wise very few Jacksonville businesses advertise on our local paper.” Mayer Edgerton notes that Jacksonville stations tend to ignore Swansboro community needs and events, for the very reason that they aim their programming toward the patrons of their own advertisers. In a third supporting letter submitted herewith, Diana Jones, Executive Director of the Swansboro Area Chamber of Commerce, agrees: “Most of our members advertise in our local newspaper the Tidewater News as opposed to the Daily News in Jacksonville. Chamber members using radio tend to use the stations in New Bern, NC,” rather than Jacksonville.

Municipal Services – As noted by Mayor Edgerton and Ms. Jones, Swansboro has its own police department, fire department, rescue squad, sewer and water systems and is independent of Jacksonville for municipal services. Although its schools operate as part of the Onslow County School System, Swansboro has its own high school, middle school and elementary school. Public libraries, too, are part of the county-wide system, which includes a Swansboro public library.

In view of the foregoing, it is clear that Swansboro prevails under all but one (separate telephone book) and possibly two (commuting patterns) of the *Tuck* factors and therefore should be deemed sufficiently independent of Jacksonville to merit a preference for its own outlet for local expression. Consequently, the public interest factors favoring grant of Conner’s counterproposal herein are: (a) a first local transmission service to a larger community, (b) improved service for WZUP, and (c) greater expanded service for WWTB.

CONCLUSION

Comparison of the Sea-Comm proposal and Conner's counterproposal clearly favors the counterproposal. Each will result in the same upgrades of WBNE and WBNU and are equivalent on that account. However, the degree of improvement to WWTB will be far greater under the counterproposal, which will provide service to 6,211 more people¹² and will establish a new station in a community having a 2000 Census population of 1,426, as opposed to only 928 for Richlands. On those grounds alone, the counterproposal is to be preferred.¹³ Yet, only the counterproposal will allow an upgrade in WZUP in service from 4,565 to 8,552 sq. km. and from 215,588 to 327,667 people. When this factor is taken into consideration, the counterproposal will serve the public interest to a far greater extent than would Sea-Comm's proposal.

¹² Actually, the Petition predicts a net loss of population to be served by WWTB, and so the counterproposal will mitigate a significant portion of that loss. Since service losses are prima facie inconstant with the public interest, *Hall v. FCC*, 237 F. 2d 567 (D.C. Cir. 1956), this factor is more significant than would be a mere increase in well-served populations.

¹³ See, e.g., *Rose Hill, Trenton, Aurora and Okracoke, North Carolina*, 15 FCC Rcd 10739 (2000). Indeed, a population difference of as little as 38 people has been decisionally significant when selecting between mutually exclusive proposals for first local transmission services at two different communities; see, *Blanchard, Louisiana and Stephens, Arkansas*, 8 FCC Rcd 7083 (Alloc. Br. 1993), *rev den*, 10 FCC Rcd 9828 (1995).

Conner hereby states its present intention to apply for the WZUP upgrade and for the new station it proposes at Swansboro if they are allotted and, if authorized, to build the respective stations promptly.

Respectfully Submitted,

CONNER MEDIA CORPORATION

By


Peter Gutmann
Its Attorney

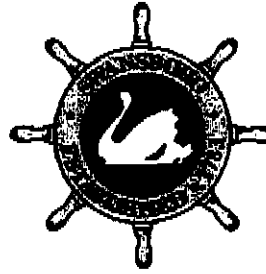
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Washington, DC 20005
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March 21, 2005

BOARD OF COMMISSIONER

Paul W. Edgerton, Mayor
David L. Russell, Mayor Pro-Tem
Elbert Benton, Commissioner
James G. Allen, Commissioner
Philip R. Keagy, Commissioner

**OFFICE OF THE TOWN MANAGER**

Edward L. Faison, Town Manager
Paula W. Webb, Town Clerk

Town of Swansboro

Friendly City By the Sea • Established 1783

www.swansboro-nc.org

September 30, 2004

Ronald W. Benfield
Conner Media Corporation
702 Hartness Road
Statesville, NC 28677

Dear Dr. Benfield:

I am delighted to hear about the possibility of a radio station coming to Swansboro! We certainly do need one. Our town is growing. The 2004 population estimate provided by the State of North Carolina recently told us that our population is 1670. In addition to Bank of America and the Marine Federal Credit Union, First Citizen's Bank recently built a two million dollar branch office in our town to take advantage of our growth prospects. We have a Chamber of Commerce with over 200 members. The Swansboro Rotary Club is very active and, in fact, owns the Swansboro Convention Center which seats 500 people for community activities. Swansboro has an Arts Festival every year, and this October will mark the 50th Anniversary of our famed Mullet Festival. We even have our own state-ranked girls' soccer team- the Swansboro Soccer Association "Cyclones."

Swansboro is located on the extreme southeastern border of Onslow County, approximately 14 miles southeast of Jacksonville. Just across the bridge to the east, is Carteret County including the communities of Cedar Point, Cape Carteret, Emerald Isle and Pelletier. We have a close link to these communities as a tourist destination. These communities also support business in Swansboro. We rely on very little business from Jacksonville.

A Mayor and four Commissioners govern the Town of Swansboro. All of who constitute the Swansboro Board of Commissioners. Our Town Manager handles the day-to-day business of the town. Swansboro has its own Police Department and Fire Department. There are also County EMS and Rescue Squad services in our area. The Town of Swansboro levies a property tax of 38-cents per \$100 evaluation to pay for these services. The Town of Swansboro also operates its own sewer and water systems and charges residents appropriately for these services. We obtain our water from Onslow County, but we own our own water infrastructure. Thus, we are completely independent of Jacksonville for any municipal services. Businesses in the Town as well as businesses located to the east of Carteret County, such as Cape Carteret and Emerald Isle advertise in our Swansboro Newspaper, "The Tideland News." Thus, we are more dependent upon the advertisers and businesses of our neighbors to the east in Carteret County than we are in Jacksonville. Very few of our businesses advertise in the Jacksonville radio, TV, or newspaper markets; and like wise very few Jacksonville businesses advertise on our local paper.

We are a growing community. The citizens of Swansboro have given this town its own identity. We have many needs and issue separate and apart from Jacksonville. Of course, we cooperate with Onslow County on larger countywide issues such as social services, school administration, etc, as does Jacksonville. We feel we are a completely distinct entity from the City of Jacksonville, however generally the radio stations in our listening are including those in Jacksonville do not routinely provide a venue for our unique issues, problems and accomplishments. This is understandable, since they aim their programming towards the patrons of their advertisers. However, to my knowledge we have never had a program for discussing our community needs, nor have any of our high school football games been broadcast. There has never been a broadcast of girls' soccer team. We have never had any coverage by the radio stations of our town meetings at Town Hall. We have not been able to broadcast congratulations to citizens, government workers, or business leaders for the good jobs they do for our community. We need an FM radio station with a Swansboro identity to help us grow our businesses and our town.

Very truly yours,



Paul W. Edgerton
Mayor

Tideland News

774 W. Corbett Ave
P.O. Box 1000
Swansboro, NC 28584
Phone 910-326-5066
FAX 910-326-1165

October 25, 2004

Dr. Ronald Benfield
President
Conner Media
702 Hartness Road
Statesville, NC 28677

Dear Dr. Benfield

Thank you for your interest in the town of Swansboro and our market area.

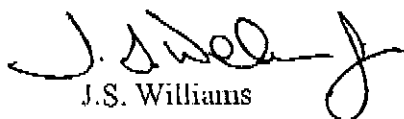
The Tideland News, now in its 26th year of publication, was formed by Swansboro business leaders who felt the needs of the town and it's businesses required a separate and independent voice and those needs were not met by the existing newspapers in Jacksonville and Morehead City.

After 26 years of success, the Tideland News has proven that there is both sufficient business and news in Swansboro to support a weekly newspaper.

While we appreciate any advertising garnered from Jacksonville, we have not depended on that advertising for our business success. In fact we have promoted the Swansboro businesses first to strengthen an already existing discreet marketplace that stands apart from any of the larger municipalities in our area.

Please contact me should you require additional information about our market.

Sincerely,


J.S. Williams
Editor



Swansboro Area Chamber of Commerce

502 Church St. • Swansboro, NC 28584 • Telephone (910) 326-1174 Fax (910) 326-3418
E-mail: swansboronc@tcp2.com • Website: www.swansboroncchamber.com

October 11, 2004

Dr. Ronald Benfield
Conner Media Inc.
702 Hartness Road
Statesville, N.C. 28677

Dear Dr. Benfield:

In response to your inquiry regarding the Swansboro area, I will try to summarize as best I can. If you have any questions, please don't hesitate to contact me.

Swansboro is located 16 miles from Jacksonville, North Carolina. Known as "The Friendly City By The Sea", Swansboro is very independent from Jacksonville. The vast majority of residents fall into three categories, active duty military and their families, retirees and those involved as business owners related to the travel & tourism industry.

Swansboro is a very self-sufficient community, having its own Mayor and Town Commissioners. Swansboro has its own Fire Department and Rescue Squad. Our Police Department is very active in the community. We currently have six schools in the Swansboro area. We have a Mullet Festival the second week in October each year that draws in excess of 25,000 attendees. We also host a Business Showcase in January of each year that brings 2700 people through our Civic Center in a one-day show.

Currently, our Chamber has 250 members. The majority of our membership use print, radio and a small portion of TV advertising. Most of our members advertise in our local newspaper the Tideland News as opposed to the Daily News in Jacksonville. Chamber members using radio tend to use the stations in New Bern, NC, which is 30 to 40 minutes from Swansboro.

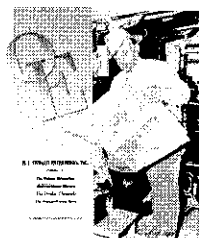
I hope this information is of some help to you. Please contact me at 910-326-1174 if I can be of further assistance.

Sincerely,

Diana Jones, Executive Director

H.L. Oswald Enterprises, Inc.

publishers of the
following
newspapers...



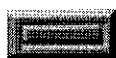
THE WALLACE ENTERPRISE, an institution in Duplin County and the area's leading newspaper, is a semi-weekly publication distributed every Monday evening and Thursday morning. Main distribution areas include Duplin, Sampson and Pender Counties. Primary circulation towns are Wallace, Rose Hill, Magnolia, Beulaville and Chinquapin. The Harrells area of Southern Sampson County is also heavily penetrated by The Enterprise, as well as the Pender County communities of Watha, Willard and Penderlea. Since 1921 The Wallace Enterprise provides readers with local area news, pictures and features, with heavy concentration on school, church, community and general happenings.

THE ADVERTISER NEWS, published on Wednesday, is a weekly community newspaper which serves primarily Eastern Duplin County including the Beulaville and Chinquapin areas and western Onslow County including Richlands. Since 1976 the Advertiser News has been totally committed too reporting local news and area happenings.

THE PENDER CHRONICLE, published Wednesday mornings, has for over 100 years focused on local news and advertisements from all over Pender County. A strong commitment to the entire county and her people is a time honored tradition of this newspaper.

THE WARSAW-FAISON NEWS, since 1943 has been the publication northern Duplin County--including Warsaw, Faison, Bowden, Turkey, Calypso and Kennansville--has turned to for the best in local news and features. The tradition of dependability and reliability of news reporting has kept this newspaper an integral part of the life of this area. The Warsaw Faison News is published every Thursday.

THE INFO PACK, a tabloid, is a weekly television listing and classified advertising guide which has been a regular part of The Wallace Enterprise, The Advertiser News, The Pender Chronicle and The Warsaw-Faison News since 1977. A circulation of over 20,000 offers full area coverage.



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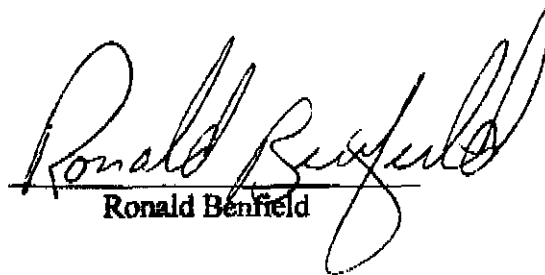
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E-MAIL

DECLARATION UNDER PENALTY OF PERJURY

Ronald Benfield states under penalty of perjury the following:

I am president of Conner Media Corporation. I have read the foregoing "Comments and Counterproposal of Conner Media Corporation" in MB Docket 05-16. The facts stated therein (except those separately supported or of which official notice may be taken) are true and correct to the best of my personal knowledge and belief.



Ronald Benfield

March 21, 2005

**Engineering Exhibit for
Conner Media Corporation
In support of a Proposed Rulemaking to
Upgrade the Allocation of
Channel 284, La Grange, North Carolina
From Class C3 to Class C2 for WZUP
Allot Channel 281 A to Swansboro, North Carolina
Allot Channel 229 C3 to Topsail Beach, North Carolina
And
Allot Channel 279 C2 to Wrightsville Beach, North Carolina**

March 2005

©2005 Conner Media Corporation

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Wrightsville Beach, North Carolina Gain and Loss Services	10	

Declaration

I declare, under penalty of perjury, that I am a technical consultant to broadcasting and other communications systems, that I have over twenty-five years of experience in the engineering of broadcast and other communications systems, that I am familiar with the Federal Communications Commission's Rules found in the Code of Federal Regulations Title 47, that I am a Professional Engineer registered in North Carolina, that I have prepared or supervised the preparation of the attached Engineering Exhibit for Conner Media Corporation, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief.



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20 march 2005

Summary of Changes

This exhibit provides technical details of a preferential arrangement of allotments in Eastern North Carolina as proposed by Conner Media Corporation (“Conner”). The specific changes to §73.202(b) are:

Community and State	Present	Proposed
La Grange, North Carolina	284C3	284C2
Swansboro, North Carolina	None	281A
Richlands, North Carolina	None	None
Topsail Beach, North Carolina	280C3	229C3
Wrightsville Beach, North Carolina	229A	279C2
Shallotte, North Carolina	279C3, 292A	292A

The changes for Topsail Beach, Wrightsville Beach, and Shallotte have been previously proposed by Sea-Comm, Inc. (“SCI”) along with a proposed new allocation of channel 281A at Richlands, North Carolina, in MB Docket No. 05-16, RM-11143. This exhibit will show that the combination of SCI’s changes for Topsail Beach, Wrightsville Beach, and Shallotte along with Conner’s proposals for Swansboro and La Grange is a preferential arrangement under the Commission’s Policies for FM Allotments. Specifically, the provision of first full-time aural service to Swansboro is preferable to provision of first full-time aural service to Richlands under priority 3 and the arrangement proposed herein provides a public interest benefit of greater net gain population and service area.

Each of the new allotments proposed is mutually exclusive with an allotment which is used for a licensed facility. The proposed upgrade of the La Grange allotment from 284C3 to 284C2 is mutually exclusive with the present construction permit for WZUP, a pending minor modification

application, and the licensed WZUP facilities. The proposed WZUP upgrade is also mutually exclusive with the Richlands allotment proposed by SCI. Conner proposed that Channel 281A be allotted to Swansboro, North Carolina, instead of to Richlands, North Carolina.

Change 1: WZUP La Grange, North Carolina from 284C3 to 284C2

The allocation for 284C3 at La Grange, North Carolina, can be upgraded to 284C2 at reference coordinates 35° 07' 39" North Latitude, 77° 42' 59" West Longitude. From those coordinates a standard Class C2 facility will provide a 70 dBu Principal Community Contour over 100% of La Grange, North Carolina. This proposed allocation is fully spaced with respect to all existing allocations and with all proposed allocations except SCI's proposal for Richlands, North Carolina. Table 1 shows that the required spacings are met for all facilities of interest. Figure 1 shows the allowable area to locate when the Richlands proposal is not considered.

From the proposed coordinates, the 60 dBu F(50,50) contour serves 355,273 persons in an area of 8,505.1 square kilometers. This represents a gain area of 4,106.0 square kilometers with 143,716 persons and a loss area of 166.2 square kilometers with a population of 4,031 persons. Both the gain and loss areas are well served with at least five FM services. Figure 2 shows the gain and loss areas with existing coverage. None of the allocations considered in this proposal are considered for counting existing services. The stations considered are: WERO, WFXK, WIKS, WKOQ, WKXB, WNCT-FM, WQDR, WQSL, WRAL, WRDU, WRNS-FM, WSFL-FM, WTEB, WXNR, WXQR-FM, WYMY, WZFX and WZKG.

The WZUP Class C3 construction permit facilities provide 70 dBu coverage of 73.8% of the Goldsboro, North Carolina, Urbanized Area. The facilities at the Class C2 proposed site provide coverage of 14.0% of the Goldsboro, North Carolina, Urbanized Area. Figure 3 shows

the relationship of the 70 dBu Principal Community Contours for the authorized and proposed facilities. No change of community is proposed. No analysis of the relationship between La Grange and Goldsboro is required or provided.

Table 1
La Grange C2
Allocation Study

REFERENCE
35 07 39 N
77 42 59 W

CLASS = C2
Current Spacings
Channel 284 - 104.7 MHz

DISPLAY DATES
DATA 03-18-05
SEARCH 03-19-05

Call	Channel	Location		Azi	Dist	FCC	Margin
WZUP.A	APP	284C3	La Grange	NC	33.7	17.51	177.0 -
159.49 Pending minor modification for facility under study							
WZUP.C	CP	284C3	La Grange	NC	329.0	18.10	177.0 -158.90
AL284	RSV	284C3	La Grange	NC	304.3	27.52	177.0 -149.48
WZUP	LIC-N	284A	Rose Hill	NC	225.0	41.46	166.0 -124.54
RADD	ADD	281A	Richlands	NC	144.7	40.75	55.0 -
14.25 Proposed by Sea-Comm, Inc., not protected by this proposal							
WSTK.C	CP	283A	Aurora	NC	79.1	106.46	106.0 0.46
WCCG.C	CP	283A	Hope Mills	NC	259.2	106.47	106.0 0.47
WCCG	LIC	283A	Hope Mills	NC	259.2	106.47	106.0 0.47
WRQR	LIC	283A	Wilmington	NC	191.1	108.61	106.0 2.61
WPZZ	LIC-D	284C1	Crewe	VA	354.7	227.73	224.0
3.73 Transmitter located in Zone 2.							
RADD	ADD	281A	Swansboro	NC	138.4	61.69	55.0
6.69 Proposed by Conner Media Corporation in this proposal							
WKQC	LIC-D	284C	Charlotte	NC	273.8	270.88	249.0 21.88
WFMZ	LIC	285C2	Hertford	NC	45.7	155.82	130.0
25.82 From channel 285A Per D89-326							
WFXK	LIC	282C1	Tarboro	NC	343.0	105.92	79.0 26.92
WANGFM	LIC	286C3	Havelock	NC	118.5	86.83	56.0 30.83
WYNA.C	CP -N	285C2	Calabash	NC	210.1	162.71	130.0 32.71
WDCG.A	APP-N	286C1	Durham	NC	303.5	119.32	79.0 40.32
WYNA.A	APP-N	285C3	Calabash	NC	214.0	174.27	117.0 57.27
WYNA.A	APP-N	285C3	Calabash	NC	214.0	174.27	117.0 57.27
WYNA	LIC-Z	285C3	Calabash	NC	214.0	174.27	117.0 57.27
WWEA	LIC	231C3	Oriental	NC	99.7	81.82	17.0 64.82
WDCG	LIC	286C0	Durham	NC	302.8	154.71	89.0 65.71

Change 2 WWTB from 280C3 Topsail Beach to 281A Swansboro

The allocation for 280C3 at Topsail Beach, North Carolina, can be allotted on Channel 281A at Swansboro, North Carolina, using reference coordinates 34° 42' 41" North Latitude 77° 16' 07" West Longitude. From those coordinates a standard Class A facility will provide a 70 dBu Principal Community Contour over 100% of Swansboro, North Carolina. This allocation is fully space with respect to all existing allocations and with all proposed allocations except the allocation proposed for Richlands, North Carolina by SCI. Table 2 shows that the required spacings are met for all facilities of interest. Figure 4 shows that allowable area to locate when the Richlands proposal is not considered.

From the proposed coordinates, the 60 dBu F(50,50) contour serves 144,486 persons in an area of 2,555.5 square kilometers. This represents a gain area of 1,257.3 square kilometers with a population of 23,094. The loss area is 3,218.4 square kilometers with a population of 36,703 persons. Both the gain and loss areas are well served with at least five full time aural services. Figure 5 shows the gain and loss areas with FM stations providing existing coverage. None of the allocations considered in this proposal are considered for counting existing services. The stations considered are: WERO, WGNI, WIKS, WKOQ, WMNX, WNCT-FM, WQSL, WRNS-FM, and WSFL-FM. Areas of gain or loss over water are not considered.

The 70 dBu Principal Community Contour from the proposed Swansboro site serves 66.0% of the Jacksonville, North Carolina, urbanized area, while the licensed WWTB facilities provide 3.9% coverage. Therefore a Tuck analysis is provided to show the independence of Swansboro.

The proposed allocation to Swansboro is preferable to the SCI proposal to allocate 281A to Richlands. The Census 2000 population of Swansboro is 1,426 compared to the Richlands population of 928 persons. The population receiving service from the Swansboro proposal is greater than the population receiving increased service from the Richlands proposal, 148,620 compared to 142,409. There is less population losing service from WWTB, 31,756 compared to 38,993. In addition, the allotment to Swansboro permits the upgrade of WZUP from 284C3 to 284C2 with the benefits shown for change 1 above.

Engineering Exhibit for Conner Media Corporation

La Grange, North Carolina

Table 2
Swansboro 281A
Allocation Study

REFERENCE
34 42 41 N
77 16 07 W

CLASS = A
Current Spacings
Channel 281 - 104.1 MHz

DISPLAY DATES
DATA 03-18-05
SEARCH 03-19-05

Call	Channel	Location	Azi	Dist	FCC	Margin
RADD	ADD	281A Swansboro NC	0.0	0.00	115.0	-115.00
Proposed by Conner Media Corporation in this proposal.						
RADD	ADD	281A Richlands NC	306.8	21.64	115.0	-93.36
Proposed by Sea-Comm, Inc.; not protected by this proposal.						
WWTB	LIC-N	280C3 Topsail Beach NC	219.8	31.43	89.0	-57.57
WWTB is the facility proposed for modification to Swansboro.						
RDEL	DEL	280C3 Topsail Beach NC	219.8	31.43	89.0	-57.57
WCXL	LIC	281C1 Kill Devil Hills NC	39.2	205.34	200.0	5.34
WYAV	LIC	281C1 Myrtle Beach SC	233.2	205.90	200.0	5.90
WZUP C2	ADD	284C2 La Grange NC	318.4	61.69	55.0	
6.69 Proposed by Conner Media Corporation in this proposal						
WZUP.A	APP	284C3 La Grange NC	333.1	68.20	42.0	26.20
WFXK	LIC	282C1 Tarboro NC	334.3	164.04	133.0	31.04
WZUP.C	CP	284C3 La Grange NC	321.1	79.55	42.0	37.55
WZUP	LIC-N	284A Rose Hill NC	283.7	72.38	31.0	41.38
RADD	ADD	279C2 Wrightsville Beach NC	216.8	98.61	55.0	43.61
RADD	ADD	279C2 Wrightsville Beach NC	216.8	98.61	55.0	43.61
WERO	LIC	227C Washington NC	351.1	73.43	29.0	44.43
AL284	RSV	284C3 La Grange NC	314.4	88.63	42.0	46.63
WRQR	LIC	283A Wilmington NC	225.8	86.65	31.0	55.65
WRHD	LIC-D	279C1 Williamston NC	11.1	134.01	75.0	59.01
WSTK.C	CP	283A Aurora NC	44.0	91.68	31.0	60.68